UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,132	03/02/2006	Bo Ekstrom	P18082-US1	3246

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EXAMINER
MASUR, PAUL H

ART UNIT	PAPER NUMBER
2464	

MAIL DATE	DELIVERY MODE
10/28/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)	
Office Action Summary	10/595,132	EKSTROM ET AL.	
	Examiner	Art Unit	
	Paul Masur	2464	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 October 2009*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

    4a) Of the above claim(s) *1-11,13 and 17* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *12,14-16 and 18-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 March 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claim12, 14-16, and 18-22 have been

considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102

that form the basis for the rejections under this section made in this Office

action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

3.   Claims 12, 14-16, and 18-22 are rejected under 35 U.S.C. 102(e) as being

anticipated by Cope et al. (US Patent No. 7,055,174).

4.   **As per claim 12,** Cope et al. teach a method for monitoring media flow in a

telecommunication network having a control domain for handling session control and a

bearer domain for handling media flow, comprising the steps of:

        storing, in a database in the control domain, identification of a first subscriber for

which monitoring is desired [Cope, fig. 4, block 74, column 8, lines 31-35, "According to

the exemplary embodiment, at block 74, an entity that is involved with initiating or

maintaining the communication session (or any other entity for that matter) may also

programmatically determine that the subject is under surveillance. In the present

example, that entity may be session manager 26", The session manager stores the];

     setting up a connection between the first subscriber and a second subscriber

[Cope, fig, 4, block 72, column 8, lines 16-30, "gateway 16 may thus receive an

origination request and responsively signal to session manager 26 for handling

instructions. After negotiating with remote session manager 28, session manager 26

may then instruct gateway 16 to route the packets of the voice communication via a

particular port associated with remote gateway 22, and gateway 16 may route the

packets to their intended destination (e.g., remote gateway 22) as instructed. Through

this conventional call setup and connection process, packets representing a

communication from station 12 to station 18 may pass from gateway 16 to gateway 22,

and packets representing communication from station 18 to station 12 would pass from

gateway 22 to gateway 16, thereby facilitating two-way end-to-end communication

between stations 12 and 18", The connection is set up between the subscribers.],

including the step of sending an indicator from the control domain to the bearer domain

indicating that the media flow that involves the first subscriber is to be monitored [Cope,

fig. 4, block 76, column 8, lines 43-49, "session manager 26 may programmatically send

a wiretap-message to controller 44, advising the controller that a session involving the

subject is being established and providing the controller with an indication of two ports

(linkpoints) in gateway 16 that are associated with ISH 46 (i.e., ports by which gateway

16 can route packets to ISH 46)", The session manager sends a control domain

message that monitoring is desired for a particular subscriber.];

re-routing said media flow between the subscribers via a server function in the

bearer domain [Cope, fig. 4, blocks 82 & 84, column 9, lines 1-9, "at block 82, controller

44 may responsively send a call-setup message to circuit-switch 48, instructing the

switch to set up a call path between ISH 46 and law enforcement agency 42 (or simply

to set up a call path from the switch to the law enforcement agency). In the exemplary

embodiment, the call-setup message can be a conventional ISUP message, such as an

initial address message ("IAM") for instance. In response, at block 84, switch 48 may

set up the call path as directed", The path is re-routed through the monitoring device

within the network.], the server function at a fixed location that is independent from a

change of location of the subscribers involved in the media flow [Cope, column 4, lines

16-19, fig. 1, element 12, "first and second subscriber stations 12, 18 may each take

various forms. By way of example, either or each of the subscriber stations may be a

landline or wireless telephone", The subscriber stations can be mobile phones, so the

method enclosed works no matter their location.]; and,

monitoring the media flow that passes the server function [Cope, fig. 3, element

42, column 8, lines 18-20, "controller 44 may be coupled by a transmission line 62 or

other communications link to law enforcement agency 42 or other observer", Re-routed

communications are observed by law enforcement.].

5.   **As per claim 14,** Cope et al. teach the method for monitoring media flow in a

telecommunication network according to claim 12. Cope et al. also teach further

comprising the step of sending an address to the server function from the control

domain to the bearer domain [Cope, fig. 4, block 76, column 8, lines 43-49, "session

manager 26 may programmatically send a wiretap-message to controller 44, advising the controller that a session involving the subject is being established and providing the controller with an indication of two ports (linkpoints) in gateway 16 that are associated with ISH 46 (i.e., ports by which gateway 16 can route packets to ISH 46)", The session manager sends a control domain message that monitoring is desired for a particular subscriber.].

6.   **As per claim 15,** Cope et al. teach a method for monitoring media flow in a telecommunication network having a control domain and a bearer domain, wherein session control is handled in the control domain and media flow is handled in the bearer domain, comprising the steps of:

storing, in a database in the control domain, identification of a first subscriber for which monitoring is desired [Cope, fig. 4, block 74, column 8, lines 31-35, "According to the exemplary embodiment, at block 74, an entity that is involved with initiating or maintaining the communication session (or any other entity for that matter) may also programmatically determine that the subject is under surveillance. In the present example, that entity may be session manager 26", The session manager stores the];

setting up a connection between the first subscriber and a second subscriber [Cope, fig, 4, block 72, column 8, lines 16-30, "gateway 16 may thus receive an origination request and responsively signal to session manager 26 for handling instructions. After negotiating with remote session manager 28, session manager 26 may then instruct gateway 16 to route the packets of the voice communication via a particular port associated with remote gateway 22, and gateway 16 may route the

packets to their intended destination (e.g., remote gateway 22) as instructed. Through

this conventional call setup and connection process, packets representing a

communication from station 12 to station 18 may pass from gateway 16 to gateway 22,

and packets representing communication from station 18 to station 12 would pass from

gateway 22 to gateway 16, thereby facilitating two-way end-to-end communication

between stations 12 and 18", The connection is set up between the subscribers.],

including the step of sending an indicator from the control domain to the bearer domain

indicating that the media flow that involves the first subscriber is to be monitored [Cope,

fig. 4, block 76, column 8, lines 43-49, "session manager 26 may programmatically send

a wiretap-message to controller 44, advising the controller that a session involving the

subject is being established and providing the controller with an indication of two ports

(linkpoints) in gateway 16 that are associated with ISH 46 (i.e., ports by which gateway

16 can route packets to ISH 46)", The session manager sends a control domain

message that monitoring is desired for a particular subscriber.];

re-routing a media flow between the subscribers for which monitoring is desired

via a server function in the bearer domain, the server function at a fixed location [Cope,

fig. 4, blocks 82 & 84, column 9, lines 1-9, "at block 82, controller 44 may responsively

send a call-setup message to circuit-switch 48, instructing the switch to set up a call

path between ISH 46 and law enforcement agency 42 (or simply to set up a call path

from the switch to the law enforcement agency). In the exemplary embodiment, the

call-setup message can be a conventional ISUP message, such as an initial address

message ("IAM") for instance. In response, at block 84, switch 48 may set up the call

path as directed", The path is re-routed through the monitoring device within the network.], that is independent from a change of location of the subscribers involved in the media flow [Cope, column 4, lines 16-19, fig. 1, element 12, "first and second subscriber stations 12, 18 may each take various forms. By way of example, either or each of the subscriber stations may be a landline or wireless telephone", The subscriber stations can be mobile phones, so the method enclosed works no matter their location.]; and,

monitoring the media flow when it passes the server function at the fixed location [Cope, fig. 3, element 42, column 8, lines 18-20, "controller 44 may be coupled by a transmission line 62 or other communications link to law enforcement agency 42 or other observer", Re-routed communications are observed by law enforcement.].

7.   **As per claim 16,** Cope et al. teach the method for monitoring media flow in a telecommunication network according to claim 15. Cope et al. also teach further comprising the steps of: sending an address to the server function from the control domain to the bearer domain [Cope, fig. 4, block 76, column 8, lines 43-49, "session manager 26 may programmatically send a wiretap-message to controller 44, advising the controller that a session involving the subject is being established and providing the controller with an indication of two ports (linkpoints) in gateway 16 that are associated with ISH 46 (i.e., ports by which gateway 16 can route packets to ISH 46)", The session manager sends a control domain message that monitoring is desired for a particular subscriber.].

8.   **As per claim 19,** Cope et al. teach the method for monitoring media flow in a

telecommunication network according to claims 15. Cope et al. also teach further

comprising the step of exchanging an address to the dedicated server function with a

pseudo address in order to hide the re-routing of the media flow via the server function

from the first and second subscribers [Cope, column 3, lines 22-27, "the circuit-switch

may decode at least one DTMF digit from within the voice communication and output a

signal representative of the at least one DTMF digit. A signal representative of the at

least one DTMF digit may then be output (e.g., by the wiretap server) for receipt by the

observer", The DTMF digits are masked before they reach the subscriber.].

9.   **As per claim 18,** Cope et al. teach the method for monitoring media flow in a

telecommunication network according to claim 15. Cope et al. also teach further

comprising the step of setting up a three-part conference between the first and second

subscribers and a distribution function, wherein the distribution function is a listener only

function [Cope, fig. 3, element 42, column 8, lines 18-20, "controller 44 may be coupled

by a transmission line 62 or other communications link to law enforcement agency 42 or

other observer", Re-routed communications are observed by law enforcement.].

10.   **As per claim 20,** Cope et al. teach a system to monitor media flow in a

telecommunication network having a control domain for handling session control and a

bearer domain for handling media flow, comprising:

        means for storing, in a database in the control domain, identification of a first

subscriber for which monitoring is desired [Cope, fig. 4, block 74, column 8, lines 31-35,

"According to the exemplary embodiment, at block 74, an entity that is involved with

initiating or maintaining the communication session (or any other entity for that matter)

may also programmatically determine that the subject is under surveillance. In the

present example, that entity may be session manager 26", The session manager stores

the];

       means for setting up a connection between the first subscriber and a second

subscriber [Cope, fig, 4, block 72, column 8, lines 16-30, "gateway 16 may thus receive

an origination request and responsively signal to session manager 26 for handling

instructions. After negotiating with remote session manager 28, session manager 26

may then instruct gateway 16 to route the packets of the voice communication via a

particular port associated with remote gateway 22, and gateway 16 may route the

packets to their intended destination (e.g., remote gateway 22) as instructed. Through

this conventional call setup and connection process, packets representing a

communication from station 12 to station 18 may pass from gateway 16 to gateway 22,

and packets representing communication from station 18 to station 12 would pass from

gateway 22 to gateway 16, thereby facilitating two-way end-to-end communication

between stations 12 and 18", The connection is set up between the subscribers.];

       means for sending an indicator from the control domain to the bearer domain

indicating that a media flow that involves the first subscriber is to be monitored [Cope,

fig. 4, block 76, column 8, lines 43-49, "session manager 26 may programmatically send

a wiretap-message to controller 44, advising the controller that a session involving the

subject is being established and providing the controller with an indication of two ports

(linkpoints) in gateway 16 that are associated with ISH 46 (i.e., ports by which gateway

16 can route packets to ISH 46)", The session manager sends a control domain message that monitoring is desired for a particular subscriber.]:

means for re-routing the media flow between the subscribers via a server function in the bearer domain [Cope, fig. 4, blocks 82 & 84, column 9, lines 1-9, "at block 82, controller 44 may responsively send a call-setup message to circuit-switch 48, instructing the switch to set up a call path between ISH 46 and law enforcement agency 42 (or simply to set up a call path from the switch to the law enforcement agency). In the exemplary embodiment, the call-setup message can be a conventional ISUP message, such as an initial address message ("IAM") for instance. In response, at block 84, switch 48 may set up the call path as directed", The path is re-routed through the monitoring device within the network.], the server function at a fixed location that is independent from a change of location of the subscribers involved in the media flow [Cope, column 4, lines 16-19, fig. 1, element 12, "first and second subscriber stations 12, 18 may each take various forms. By way of example, either or each of the subscriber stations may be a landline or wireless telephone", The subscriber stations can be mobile phones, so the method enclosed works no matter their location.]; and,

means for monitoring the media flow that passes the server function at the fixed location [Cope, fig. 3, element 42, column 8, lines 18-20, "controller 44 may be coupled by a transmission line 62 or other communications link to law enforcement agency 42 or other observer", Re-routed communications are observed by law enforcement.].

11.   **As per claim 21,** Cope et al. teach the system to monitor media flow in a telecommunication network according to claim 20. Cope et al. also teach further

comprising means for setting up a three-part conference between the first and second

subscribers and a distribution function, wherein the distribution function is a listener only

function [Cope, fig. 3, element 42, column 8, lines 18-20, "controller 44 may be coupled

by a transmission line 62 or other communications link to law enforcement agency 42 or

other observer", Re-routed communications are observed by law enforcement.].

12.   **As per claim 22,** Cope et al. teach the system to monitor media flow in a

telecommunication network according to claim 20. Cope et al. also teach further

comprising means for exchanging an address to the server function with a pseudo

address in order to hide the re-routing of the media flow via the server function from the

first and second subscribers [Cope, column 3, lines 22-27, "the circuit-switch may

decode at least one DTMF digit from within the voice communication and output a

signal representative of the at least one DTMF digit. A signal representative of the at

least one DTMF digit may then be output (e.g., by the wiretap server) for receipt by the

observer", The DTMF digits are masked before they reach the subscriber.].

Conclusion

13.   **The Examiner has cited particular columns and line numbers or paragraphs**

in the references applied to the claims above for the convenience of the

applicant. Although the specified citations are representative of the teachings of the art

and are applied to specific limitations within the individual claim, other passages and

figures may apply as well. It is respectfully requested from the applicant in preparing

responses, to fully consider the references in their entirety as potentially teaching all or

part of the claimed invention, as well as the context of the passage as taught by the

prior art or disclosed by the Examiner.

In the case of amending the claimed invention, the Applicant is respectfully

requested to indicate the portion(s) of the specification which dictate(s) the structure

relied on for proper interpretation and also to verify and ascertain the metes and bounds

of the claimed invention.

14. **If the Applicant is of the opinion that an interview would help advance

prosecution in this case, they are welcome to call the Examiner, Paul Masur, at

the number listed below to schedule an interview.** The Examiner prefers interview

requests be accompanied with a detailed agenda via fax. The Examiner's fax number is

(571) 270-8297. The Examiner is willing to consider proposed amendments, clarify

rejections, and discuss any other issues that are presented by the Applicant. Please

note that the Examiner may not be able to accommodate all requests due to scheduling

constraints. It is recommended that interview requests be sent with ample time to

schedule an interview.

15. **Any inquiry concerning this communication or earlier communications

from the examiner should be directed to Paul Masur whose telephone number is

(571) 270-7297.** The examiner can normally be reached on Monday through Friday

from 7:00AM to 4:30PM (Eastern Time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ricky Ngo/   /P. M./
Supervisory Patent Examiner, Art Unit 2464   Examiner, Art Unit 2464